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Turning Tables on the CIA

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NEW YORK — Officially, the defendants in U.S. District Judge Joseph M. McLaughlin's courtroom in Brooklyn are five Irish-Americans charged with running guns — and a cannon and a flamethrower — to the Irish Republican Army.

But it is the Central Intelligence Agency that seems to be on trial, accused by the defendants of being their silent partner in helping to foment political strife in war-torn Northern Ireland.

Having lost their sweeping constitutional challenge to the wiretap orders of the super-secret U.S. Foreign Intelligence Surveillance Court — under which they were snared by the FBI (NLJ, April 12) — the defendants and their lawyers teamed up to politicize the trial right at the outset.

The "centerpiece" of the defense case was eloquently laid out for the jury on Sept. 23 by a veteran defender of Irish causes, Frank Durkan of the Manhattan firm of O'Dwyer & Bernstein. With his Irish heritage rolling off his tongue, Mr. Durkan said that his client, George Harrison, 67, was not guilty of any crimes against the United States because he had the approval of the U.S. government while he was shipping more than 1,000 guns and 900,000 rounds of ammunition to Northern Ireland during the last 20 years.

"The CIA has been as active in Northern Ireland as it has been in the rest of the world," Mr. Durkan said with a knowing smile before pausing to allow the eight men and four women to consider the possibilities.

Mr. Durkan said he would show that his client's actions were sanctioned and approved by the CIA because the arms dealer who supplied Mr. Harrison with guns for 20 years, George DeMeo, "was and is a member of the Central Intelligence Agency." Theirs was "a brotherhood bond that was created in Washington. There wasn't a thing that happened; there wasn't a gun that moved; there wasn't a bullet that traveled from Point A to Point B that the government didn't know about."

The lawyer added that Mr. Harrison was "somewhat insulted" that the conspiracy charges against him encompassed only six months — Dec. 23, 1980, to June 20, 1981 — since he "has aided and abetted and supplied arms to the rebels in Northern Ireland for a quarter of a century."

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Co-defendant Michael Flannery, an 80-year-old "freedom fighter," followed Mr. Durkan's address

with his own opening statement. He dramatically told the jury that he had been driven from Ireland 55 years ago and hounded by the British ever since. "This is a political fight," he declared.

"All my life has been devoted to freedom and liberty," said Mr. Flannery, a founder and director of the controversial Irish Northern Aid Committee (Noraid). "I'm a pacifist by nature . . . but I do believe peace is something worth fighting for, and dying for, if necessary."

"Yes, I had guns in my basement," said the third defendant, Patrick Mullin, 45, a soft-spoken telephone company employee who also made his own opening statement. "But the evidence will show that I never intended to break any of the laws of the United States."

On June 20, 1981, FBI agents seized 11 automatic rifles, ammunition, a flamethrower and a 20-millimeter cannon in Mr. Mullin's Brooklyn home. At the Queens home of Thomas Falvey, FBI agents seized 47 machine guns that an undercover agent had sold to the ring a day earlier. A fifth defendant, Daniel Gormley, 33, of Yonkers, N.Y., the ring's alleged "money man," was added to the case last April.

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Asst. U.S. Attorney David V. Kirby, anticipating the defense thrust, insisted in his opening that although the jury would hear tape-recorded conversations showing the defendants "committed to the unification of Northern and Southern Ireland through violence and acts of terror . . . they are not on trial for their political beliefs. They are on trial for federal firearms violations."

Mr. Kirby said that Mr. Harrison, a slight gray-haired Brinks armored-car guard for 33 years, and Mr. Falvey, 54, a stocky balding laborer, were arms purchasers for the ring; Mr. Mullin stored the

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